

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

In re:

WB MAINTENANCE INC. dba
WB MAINTENANCE & REPAIR *et. al.*,
Debtors.¹

Chapter 11

Case No.: 1-22-41755-JMM
(Jointly Administered)

ORDER PURSUANT TO BANKRUPTCY RULES 9019 AND 3007 AND BANKRUPTCY CODE SECTION 502(A) (I) APPROVING SETTLEMENT AGREEMENT BETWEEN 12 FLSA CLAIMANTS AND THE DEBTORS, (II) EXPUNGING CLAIMS FILED BY 12 FLSA CLAIMANTS; (III) ALLOWING REDUCED CLAIMS OF 12 FLSA CLAIMANTS IN LEAD CASE; (IV) DISMISSING THE FLSA ACTION IN U.S. DISTRICT COURT

WB Maintenance Inc., *et al.*, debtors and debtors in possession (the “Debtors”), by their attorneys, Koutsoudakis & Iakovou Law Group, PLLC, having moved this Court by motion dated November 10, 2022 (the “Motion”) [[ECF No. 68](#)] (JMM) for entry of an Order pursuant to Rules 9019 and 3007 of the Federal Rules of Bankruptcy Procedure and section 502(a) of title 11 of the United States Code, 11 U.S.C § 101, *et seq.* (the “Bankruptcy Code”) for entry of an order (i) approving settlement agreement, as amended and dated February 3, 2023, and filed as docket no. 103, (the “Settlement Agreement”) a copy of which Settlement Agreement is annexed to the Motion as Exhibit A and annexed hereto as Exhibit A and the **\$530,000.00** settlement (the "Settlement Amount") therein between the 12 creditors BYRON GEOVANNY AREVALO FAJARDO, CARLOS MARTELL, JOSE GUTIERREZ, JUAN PEREYRA, IÑIGO

¹ The Debtors in the Chapter 11 Bankruptcy Case, along with their respective case numbers and the last four digits of each Debtor’s employer identification number are: WB Maintenance Inc., Case No. 1-22-41755 (2958); Go-Pro Maintenance Inc., Case No. 1-22-41756 (4160) (subchapter V of Chapter 11); W.B. Maintenance & Repair Corp., Case No. 1-22-41757 (1003) (subchapter V of Chapter 11); W.B. & Son Construction Corp., Case No. 1-22-41758 (6909); and WB Maintenance & Design Group Inc., Case No. 1-22-41759 (7375).

MENDOZA RAMIREZ (A/K/A EDUARDO MENDOZA RAMIREZ), MIGUEL GARRIDO, REYMUNDO CHAVEZ HERNANDEZ (A/K/A RAMON CHAVEZ HERNANDEZ), RICHARD XAVIER HERNANDEZ, AND SEBASTIAN ALFREDO ESPINOSA VARGAS (A/K/A SEBBY ESPINOSA VARGAS), JAIRO RIVAS, ELIAS ORDONES, AND GEORGE PALTA (“FLSA Claimants” or “Plaintiffs”) in the action commenced by the January 10, 2022 complaint, as amended, (“Complaint”) filed in and pending in the United States District Court, Eastern District of New York entitled Arevalo Fajardo et al. v. WB Maintenance & Design Group Inc. et al. bearing index no: 1:21-cv-5263 (the “FLSA Action”), and Debtors and Vladimir Briceno, Betty Briceno, Jeimy Briceno, Jeissy Briceno, and Alexander Briceno, of the claims asserted by FLSA Claimants in the FLSA Action and (ii) expunging claims filed by 12 FLSA Claimants; (iii) allowing reduced claims of 12 FLSA Claimants in lead case no.: 1-22-41755-JMM; (iv) and providing for dismissal, as set forth in the Settlement Agreement, as amended, of the FLSA Action; and the Motion having been duly noticed for a hearing on November 30, 2022 and adjourned to February 8, 2023 (the “Hearing”); and there having been no objection interposed to the Motion; and the Hearing having been held before the Honorable Jil Mazer-Marino, United States Bankruptcy Judge; and after due deliberation, the Court having found that good and sufficient cause exists for granting the relief requested in the Motion; it is accordingly

ORDERED, that the Settlement Agreement, a copy of which is annexed hereto as Exhibit A, be, and the same is hereby, approved; and it is further

ORDERED that all claims filed by Plaintiffs in each of the following cases, be and the same are hereby, expunged and disallowed:

WB Maintenance Inc., case no. 1-22-41755-jmm

<u>Claim #</u>	<u>Amount claimed</u>	<u>Date filed</u>	<u>Creditor name</u>
1	\$203,487.73	7/27/2022	Byron Geovanny Arevalo Fajarvo
2	\$439,558.71	7/27/2022	Carlos Martell
3	\$296,609.24	7/27/2022	Elias Ordones
4	\$226,260.30	7/27/2022	George Palta
5	\$263,143.90	7/27/2022	Inigo Mendoza Ramirez
6	\$338,794.09	7/27/2022	Jairo Rivas
7	\$49,470.05	7/27/2022	Jose Gutierrez
8	\$274,917.76	7/27/2022	Juan Pereyra
9	\$32,332.43	7/27/2022	Miguel Garrido
10	\$209,981.98	7/27/2022	Reymundo Chavez Hernandez
11	\$67,184.20	7/27/2022	Richard Xavier Hernandez
12	\$299,903.34	7/27/2022	Sebastian Alfredo Espinosa

Go-Pro Maintenance Inc. case no. 1-22-41756-jmm (only 11 FLSA Claimants filed claims in this case)

<u>Claim #</u>	<u>Amount claimed</u>	<u>Date filed</u>	<u>Creditor name</u>
1	\$438,558.71	7/27/2022	Carlos Martell
2	\$296,609.24	7/27/2022	Elias Ordones
3	\$226,260.30	7/27/2022	George Palta
4	\$263,143.90	7/27/2022	Inigo Mendoza Ramirez
5	\$338,794.09	7/27/2022	Jairo Rivas
6	\$49,470.05	7/27/2022	Jose Gutierrez
7	\$274,917.76	7/27/2022	Juan Pereyra
8	\$32,332.43	7/27/2022	Miguel Garrido
9	\$209,981.98	7/27/2022	Reymundo Chavez Hernandez
10	\$67,184.20	7/27/2022	Richard Xavier Hernandez
11	\$299,903.34	7/27/2022	Sebastian Alfredo Espinosa

W.B. Maintenance & Repair Corp., case no: 1-22-41757-jmm

<u>Claim #</u>	<u>Amount claimed</u>	<u>Date filed</u>	<u>Creditor name</u>
1	\$203,487.73	7/27/2022	Byron Geovanny Arevalo Fajarvo
2	\$439,558.71	7/27/2022	Carlos Martell
3	\$296,609.24	7/27/2022	Elias Ordones
4	\$226,260.30	7/27/2022	George Palta
5	\$263,143.90	7/27/2022	Inigo Mendoza Ramirez
6	\$338,794.09	7/27/2022	Jairo Rivas
7	\$49,470.05	7/27/2022	Jose Gutierrez
8	\$274,917.76	7/27/2022	Juan Pereyra
9	\$32,332.43	7/27/2022	Miguel Garrido
10	\$209,981.98	7/27/2022	Reymundo Chavez Hernandez
11	\$67,184.20	7/27/2022	Richard Xavier Hernandez

12 \$299,903.34 7/27/2022 Sebastian Alfredo Espinosa

W.B. & Son Construction Corp., case no: 1-22-41758-jmm

<u>Claim #</u>	<u>Amount claimed</u>	<u>Date filed</u>	<u>Creditor name</u>
1	\$203,487.73	7/28/2022	Byron Geovanny Arevalo Fajarvo
2	\$439,558.71	7/28/2022	Carlos Martell
3	\$296,609.24	7/28/2022	Elias Ordones
4	\$226,260.30	7/28/2022	George Palta
5	\$263,143.90	7/28/2022	Inigo Mendoza Ramirez
6	\$338,794.09	7/28/2022	Jairo Rivas
7	\$49,470.05	7/28/2022	Jose Gutierrez
8	\$274,917.76	7/28/2022	Juan Pereyra
9	\$32,332.43	7/28/2022	Miguel Garrido
10	\$209,981.98	7/28/2022	Reymundo Chavez Hernandez
11	\$67,184.20	7/28/2022	Richard Xavier Hernandez
12	\$299,903.34	7/28/2022	Sebastian Alfredo Espinosa

WB Maintenance & Design Group Inc., case no: 1-22-41759-jmm

<u>Claim #</u>	<u>Amount claimed</u>	<u>Date filed</u>	<u>Creditor name</u>
1	\$203,487.73	7/27/2022	Byron Geovanny Arevalo Fajarvo
2	\$439,558.71	7/27/2022	Carlos Martell
3	\$296,609.24	7/27/2022	Elias Ordones
4	\$226,260.30	7/27/2022	George Palta
5	\$263,143.90	7/27/2022	Inigo Mendoza Ramirez
6	\$338,794.09	7/27/2022	Jairo Rivas
7	\$49,470.05	7/27/2022	Jose Gutierrez
8	\$274,917.76	7/27/2022	Juan Pereyra
9	\$32,332.43	7/27/2022	Miguel Garrido
10	\$209,981.98	7/27/2022	Reymundo Chavez Hernandez
11	\$67,184.20	7/27/2022	Richard Xavier Hernandez
12	\$299,903.34	7/27/2022	Sebastian Alfredo Espinosa

and it is further

ORDERED, that the following claims are allowed in the amounts set forth in the column entitled Allowed Amount in the following table in the lead case only, i.e., WB Maintenance Inc., case no. 1-22-41755-jmm, totaling the Settlement Amount, and shall be paid pursuant the terms of the Settlement Agreement approved herein:

<u>Plaintiff Creditor name</u>	<u>Percentage</u>	<u>Allowed Amount</u>
Byron Geovanny Arevalo Fajardo	7.53%	\$39,919.59
Carlos Martell ("Martell")	16.27%	\$86,231.25
Jose Gutierrez	1.83%	\$9,704.88
Juan Pereyra	10.18%	\$53,932.50
Iñigo Mendoza Ramirez (aka Eduardo Mendoza Ramirez)	9.74%	\$51,622.75
Miguel Garrido	1.20%	\$6,342.87
Reymundo Chavez Hernandez (aka Ramon Chavez Hernandez)	7.77%	\$41,193.61
Richard Xavier Hernandez	2.49%	\$13,179.99
Sebastian Alfredo Espinosa Vargas (aka Sebby Espinosa Vargas)	11.10%	\$58,834.10
Jairo Rivas	12.54%	\$66,463.56
Elias Ordones	10.98%	\$58,187.87
George Palta	<u>8.37%</u>	<u>\$44,387.04</u>
	Total: 100.00%	\$530,000.00

Dated: February 16, 2023
 Brooklyn, New York




 Jil Mazer-Marino
 United States Bankruptcy Judge